

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

<b>CG4, LLC, d/b/a CHEF GEOFF's</b>	)	
	)	
<b>and</b>	)	
	)	
<b>GEOFF TRACY,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 1:18-cv-00360-AJT</b>
	)	
<b>THE VIRGINIA ALCOHOLIC BEVERAGE</b>	)	
<b>CONTROL AUTHORITY, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION TO DISMISS**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants the Virginia Alcoholic Beverage Control Authority, the Virginia Department of Alcoholic Beverage Control, Travis Hill, Jeffrey Painter, Maria J. K. Everett, Beth Hungate-Nolan, and Mark Rubin (in their official capacities) (referred to collectively as the Defendants) respectfully moves to dismiss the Plaintiff's Amended Complaint, Dkt. No. 9. Defendants so move on the grounds that the Plaintiffs lack standing, *see* Fed. R. Civ. P. 12(b)(1), and that the Plaintiffs' Complaint fails to state a claim upon which relief may be granted, *see* Fed. R. Civ. P. 12(b)(6).

The basis for this Motion and the grounds in support of the requested relief are detailed in the Defendants' Memorandum in Support of this Motion, filed with this Motion.

Respectfully Submitted,

THE VIRGINIA ALCOHOLIC BEVERAGE CONTROL  
AUTHORITY, THE VIRGINIA DEPARTMENT OF  
ALCOHOLIC BEVERAGE CONTROL, TRAVIS HILL,  
JEFFREY PAINTER, MARIA J. K. EVERETT, BETH  
HUNGATE-NOLAN, and MARK RUBIN

By: /s/ Anna T. Birkenheier  
Anna T. Birkenheier (VSB No. 86035)\*  
Assistant Attorney General  
*Counsel for Defendants*  
Office of the Virginia Attorney General  
202 North 9th Street  
Richmond, Virginia 23219  
Telephone: (804) 692-0558  
Facsimile: (804) 692-1647  
[abirkenheier@oag.state.va.us](mailto:abirkenheier@oag.state.va.us)

Mark R. Herring  
Attorney General of Virginia

Stephen A. Cobb  
Deputy Attorney General

Heather Hays Lockerman  
Senior Assistant Attorney General

Anna T. Birkenheier (VSB No. 86035)\*  
Assistant Attorney General  
Office of the Virginia Attorney General  
202 North 9th Street  
Richmond, Virginia 23219  
Telephone: (804) 692-0558  
Facsimile: (804) 692-1647  
[abirkenheier@oag.state.va.us](mailto:abirkenheier@oag.state.va.us)

*\*Counsel of Record*

### **CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that on May 15, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and sent a copy of the foregoing document via first class mail to the following:

Thomas A. Berry, Esq.  
Anastasia P. Boden, Esq.  
Pacific Legal Foundation  
930 G Street  
Sacramento, California, 95814  
*Counsel for Plaintiffs*

/s/ Anna T. Birkenheier

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Anna T. Birkenheier (VSB No. 86035)\*  
Assistant Attorney General  
*Counsel for Defendants*  
Office of the Virginia Attorney General  
202 North 9th Street  
Richmond, Virginia 23219  
Telephone: (804) 692-0558  
Facsimile: (804) 692-1647  
[abirkenheier@oag.state.va.us](mailto:abirkenheier@oag.state.va.us)